Supreme Court, U. S.
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MICHAEL RODAK, JR., CLERK

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1975

No. 75-93

Glynn Reine, Emile Aime, Gary Badin and Mike LeBlanc,

Appellees,

versus

Town of Sorrento Municipal Democratic Committee, et als, Percy Boudreaux, A. J. Kling, J. B. Melancon, Roy Melancon, Emile Lambert, R. E. Champagne, Morris Geautreau, Roland Melancon and the Town of Sorrento Democratic Executive Committee,

Appellants.

On Appeal from the United States District Court for the Middle District of Louisiana (Three-Judge Court)

JURISDICTIONAL STATEMENT

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OCTOBER TERM, 1975

No.

Glynn Reine, Emile Aime, Gary Padin and Mike LeBlanc,

Appellees,

versus

Town of Sorrento Municipal Democratic Committee, et als, Percy Boudreaux, A. J. Kling, J. B. Melancon, Roy Melancon, Emile Lambert, R. E. Champagne, Morris Geautreau, Roland Melancon and the Town of Sorrento Democratic Executive Committee,

Appellants.

On Appeal from the United States District Court for the Middle District of Louisiana (Three-Judge Court)

JURISDICTIONAL STATEMENT

OPINIONS BELOW

The opinion of the District Court dated April 18, 1975, is unreported. A copy of this opinion is appended hereto.

JURISDICTION

1. This action was filed on April 3, 1973, in the United States District Court, Middle District of Louisiana, by four registered voters of the Town of Sorrento, three of whom were unsuccessful candidates for positions on the Town Council of the Town of Sorrento in the municipal election held on March 24, 1973. The action was brought against members of the Town of Sorrento Municipal Democratic Executive Committee, members thereof, the Secretary of State, State of Louisiana, the Town Council of the Town of Sorrento, and members of the Town Council of the Town of Sorrento who were elected March 24, 1973. The complaint sought invalidation of the elections for the Town of Sorrento Town Council held on March 24, 1973. Jurisdiction was based on 42 U.S.C. §1973 C and §1973 J(f) and 28 U.S.C. §1343 (3) and (4), §2201 and §2202 and §2284.

2. The Judgment or decree sought to be reviewed is dated and filed April 18, 1975. Notice of Appeal was filed in the District Court on May 16, 1975.

3. Jurisdiction of this appeal is conferred by 28 U.S.C. §1253.

4. The following cases sustain the jurisdiction of the Court:

Mahan v. Howell, 410 U.S. 315 (1973); *Sixty-Seventh Minnesota State Senate v. Beens*, 406 U.S. 187 (1972); *Reynolds v. Sims*, 377 U.S. 533 (1964); *Baker v. Carr*, 369 U.S. 186 (1962); and especially *United States v. Crescent Amusements Co.*, 323 U.S. 173 (1944). *But see, Bailey v.*

Patterson, 369 U.S. 31 (1962); *Turner v. City of Memphis*, 369 U.S. 350 (1962); *Phillips v. United States*, 312 U.S. 246 (1941); and *William Jameson & Company v. Morgenthau*, 307 U.S. 171 (1939).

5. The validity of the statute of a state is involved, the text of, ACT NO. 106 of 1972, LSA-R.S. 18:309 E, reading as follows:

> "E. Whenever in any district, parish, municipality or ward of the state there are two or more offices of the same kind or character to be filled from the same district, parish, municipality or ward, each candidate from the district, parish, municipality or ward, including candidates for membership on political party committees, shall be required to qualify for and be a candidate for a division within the district, parish, municipality or ward. Within each such district, parish, municipality or ward there shall be as many divisions as there are positions to be filled. The committee before whom the candidate is required to qualify or the secretary of state, if the candidate is required to qualify before the secretary of state, shall assign a letter designation for each such division."

QUESTIONS PRESENTED

1. Whether the District Court of Three Judges erred in holding that the Jurisdiction was conferred upon it pursuant to 28 U.S.S. §1343.

2. Whether the District Court of Three Judges erred in holding, as it did, that the plaintiffs were not estopped from contesting the validity of the March 24, 1974 municipal election.

3. Whether the District Court of Three Judges erred in

holding, as it did, that the plaintiffs herein have established a cause and/or a right of action pursuant to the Voting Rights Act of 1964, 42 U.S.C. §1973(c).

STATEMENT OF THE CASE

Plaintiffs in this lawsuit are four registered voters of the Town of Sorrento, three of whom were unsuccessful candidates for positions on the Town Council of the Town of Sorrento in the municipal election held on March 24, 1973.

In this lawsuit, plaintiffs have sought to overturn and have declared invalid the election of March 24, 1973, contending that the election, as conducted on that date, was technically in violation of the Voting Rights Act of 1965, because at the time of the election, the Louisiana statutory plan, pursuant to which the election was conducted, had not been approved by the Attorney General of the United States pursuant to 42 U.S.C. §1973(c). The election was held under the procedures outlined by LSA-R.S. 18:309 E (Act 106 of 1972), which required that elections of the type at issue here, be held by division. On April 20, 1973, the Assistant Attorney General for Civil Rights interposed an objection to Act 106, pursuant to 42 U.S.C. §1973(c).

In their opinion dated April 18, 1975 the Three-Judge Court found that on March 24, 1973 the Town of Sorrento had a voting population of 578. None of the plaintiffs are black. Three of the plaintiffs participated unsuccessfully in the election of March 24, 1973.

In its opinion, dated April 18, 1975, the Three-Judge Court held that despite the fact that the plaintiffs were white

and that three of them had unsuccessfully participated in the election, the election held by the Town of Sorrento on March 24, 1973 was nevertheless in violation of Section 5 of the Voting Rights Act, 42 U.S.C. §1973(c).

The Court entered an order declaring the election of March 24, 1973 unlawful and enjoining the defendants, their agents, employees and successors in office, and all persons acting in concert or participation with any of them, from "implementing any voting practice or procedure different in effect in Sorrento on November 1, 1964, unless the provisions of Section 5 of the Voting Rights Act, 42 U.S.C. §1973(c) had been first complied with"; and "failing or refusing to conduct a new election for the Town Council seats within a reasonable period, not to exceed four months, pursuant to voting practices and procedures in effect on November 1, 1964, or such new practices and procedures as have been approved under Section 5 of the Voting Rights Act, 42 U.S.C. §1973(c)."

THE QUESTIONS ARE SUBSTANTIAL

By the terms of the order of the Three-Judge Court, dated April 18, 1975, the Town of Sorrento is compelled to void the election of March 24, 1973 and incur the expense of holding another election. By virtue of the Court's order this additional expense will be incurred despite the fact that the election of March 24, 1973, and the procedures under which it was conducted, cannot in any manner be said to have been based upon a denial or abridgement of the right to vote on account of race or color.

The four plaintiffs are white not black citizens of the Town of Sorrento.

The Voting Rights Act of 1965, 42 U.S.C., Section 1973, is characterized by the Congress as a statute concerning "denial or abridgement of right to vote on account of race or color through voting qualifications or prerequisites," and states as follows:

> "No voting qualification or prerequisite to voting, or standard, practice or procedure shall be imposed or applied by any State or political subdivision to deny or abridge the right of any citizen of the United States to vote **on account of race or color.**" (Emphasis supplied)

The United States Supreme Court held in *South Carolina v. Katzenbach*, 383 U.S. 301, 86 Supreme Court 803 (1966), that the Voting Rights Act of 1964 was not violative of the U. S. Constitution. The history and purposes and intent of this Act were all discussed in great detail. On this subject, the Court stated, in its opinion in *Allen v. State Board of Elections*, 393 U. S. 544, 89 Supreme Court 817 (1969), as follows:

> "We gave detailed treatment to the history and purposes of the Voting Rights Act in South Carolina v. Katzenbach, *supra*. Briefly, the Act implemented Congress' firm intention to rid the country of racial discrimination in voting. It provided stringent new remedies against those practices which have most frequently denied citizens the right to vote on the basis of their race. Thus, in States covered by the Act, literacy tests and similar voting qualifications were suspended for a period of five years from the last occurrence of substantial voting discrimination. However, Congress apparently feared that the mere suspension of existing tests would not completely solve the problem, given the history some States had of simply enacting new and slightly different requirements with

> the same discriminatory effect." 393 U.S. at page 548; 89 Supreme Court at pages 822-823.

Thus, the Act is an expression of "Congress' firm intention to rid the Country of racial discrimination in voting."

The plaintiffs in this case are, as previously mentioned, **white** citizens and candidates for election to the Town Council of the Town of Sorrento. All of their opponents in this election contest were also white. The Town of Sorrento had 578 registered voters. Of this number 108 voters were members of the black race.

How can these plaintiffs **possibly** demonstrate to this Court that their right to vote has been abridged or impaired "on account of race or color." How can these plaintiffs **possibly** demonstrate denial or impairment or abridgement of the right to vote "on account of race or color" on the part of the class of persons whom they seek to represent (all qualified voters **who are** similarly inclined and situated).

These plaintiffs qualified to campaign for designated posts on the Town Council and each considered and then selected the position or post for which he wanted to campaign. Certainly this decision involved considerations such as the background, experience, qualifications, and popularity or public exposure that those who had previously qualified would offer as opponents. After having made these carefully considered, intelligent decisions, these plaintiffs campaigned and, at polling time, received far, far from a sufficient number of votes in order to be elected. In short, they were overwhelmingly defeated.

Appellants urge, in the alternative, that even if it be

assumed that these plaintiffs had sufficient standing to maintain this cause of action and that, further, that they each do have a cause of action, said plaintiffs, by virtue of their knowing and voluntary participation in the contested election are estopped from maintaining this litigation. It is believed that there cannot be any question about the fact that plaintiffs were advised that the election for posts on the Town Council would be held by division, instead of being conducted at large; that each of them qualified for certain of the numbered posts, after carefully considering the nature and quality and extent of the opposition already qualified for each post; they actively campaigned for their respective posts; and they were overwhelmingly defeated. Under these circumstances, the equitable doctrine of "estoppel in pais" should be invoked to bar these claims of plaintiffs and thus alleviate the financial hardships and disruption to government affairs and public business that would result in the Town of Sorrento if the order of April 17, 1975 is allowed to stand.

An excellent discussion of the doctrine of equitable estoppel or "estoppel in pais" is found in the case of *United States v. Georgia-Pacific Company*, 421 Federal 2nd 92 (9th Cir. 1970). There the Court dealt with an action by the Federal Government to secure declaratory relief and specific performance of a thirty (30) year old agreement whereby the owner of timberlands was committed to donate part of forest lands to the government if the boundaries of national forests were extended to include the lands. Because of certain acts and conduct on the part of the government, during the existence of the agreement, the defendant land owner raised, among other defenses, the doctrine of equitable estoppel. The Court discussed this doctrine as follows:

"[1] Equitable estoppel is a doctrine adjusting the relative rights of parties based upon consideration of justice and good conscience. Smale & Robinson, Inc. v. United States, 123 F.Supp. 457, 463 (S.D.Cal.1954); Peoples National Bank v. Manos Brothers, Inc., 226 S.C. 257, 84 S.E.2d 857, 870, 45 A.L.R.2d 1070 (1954); 3 Pomeroy, Equity Jurisprudence §§ 801, 802 (5th ed. Symons 1941); 28 Am.Jur.2d Estoppel and Waiver § 28, at 629. Pomeroy has defined equitable estoppel as having the effect of absolutely precluding a party, both at law and equity

> " '[f]rom asserting rights which might perhaps have otherwise existed, either of property, of contract, or of remedy as against another person, who has in good faith relied upon such conduct, and has been led thereby to change his position for the worse, and who on his part acquires some corresponding right, either of property, of contract, or of remedy.'

"3 Pomeroy § 804, at 189. See also Dickerson v. Colgrove, 100 U. S. 578, 580, 25 L.Ed. 618 (1879); Bankers Trust Co. v. Pacific Employers Insurance Co., 282 F.2d 106, 112 (9th Cir. 1960). Equitable estoppel prevents a party from assuming inconsistent positions to the detriment of another party, Lebold v. Inland Steel Co., 125 F.2d 369, 375 (7th Cir. 1941) or, as stated in Bigelow, Law of Estoppel 603 (6th ed. Carter 1913), 'He who keeps silent when duty commands him to speak shall not speak when duty commands him to keep silent.' See also 31 C.J.S. Estoppel § 108, at p. 548.

"[2] Equitable estoppel is a rule of justice which, in its proper field, prevails over all other rules. City of Chetopa v. Board of County Com'rs., 156 Kan. 290, 133 P.2d 174, 177 (1943). An equitable estoppel will be found only where all the elements necessary for its invocation are shown to the Court. The test in this circuit was reiterated

in Hampton v. Paramount Pictures Corp., 279 F.2d 100, 104, 84 A.L.R.2d 454 (9th Cir. 1960):

> " 'Four elements must be present to establish the defense of estoppel: (1) The party to be estopped must know the facts; (2) he must intend that his conduct shall be acted on or must so act that the party asserting the estoppel has a right to believe it is so intended; (3) the latter must be ignorant of the true facts; and (4) he must rely on the former's conduct to his injury. California State Board of Equalization v. Coast Radio Products, 9 Cir., 228 F.2d 520, 525.'

"[3-5]) Many kinds of activities—or inactivity—on the part of a defendant may permit the defense of equitable estoppel to be asserted against him. Obviously conduct amounting to fraud would suffice to raise an estoppel against a defendant, but it is clear that conduct far short of actual fraud willl also suffice. A party's silence, for example, will work an estoppel if, under the circumstances, he has a duty to speak. A common example of this occurs when a plaintiff knowingly permits a defendant to make expenditures or improvements on property the latter believes to be his, but which in fact the plaintiff knows to be the plaintiff's property. In this case, equity may decree that the plaintiff is estopped from asserting title to the property in question. As the court in Management & Investment Co. v. Zmunt, 59 F.2d 663, 664 (6th Cir. 1932), said:

> " 'It is axiomatic that equity will not grant relief to one who has stood by and permitted the expenditure of large sums of money upon the faith and belief that he does not deem his rights to be violated.' 421 F.2d at pages 95-97."

See also the case of *Bankers Trust Company v. Pacific Employers Insurance Co.*, 282 F.2d 106 (9th Cir. 1960).

A result very much akin to that reached with application of the doctrine of equitable estoppel is found in *Thompson v. Brown*, 434 F.2d 1092 (5th Cir. 1970). That case involved a Mississippi election contest which was filed in Mississippi State Court, wherein certain registered voters sought to attack the validity of a primary election which resulted in victories for certain black candidates. The defendants sought to remove this State Court election contest suit to Federal Court, on the assertion that it involved federally protected rights granted under the Voting Rights Act of 1965. Subsequent to the filing of the lawsuit and during the course of the litigation in the Federal District Court, the **general** election was held and the successful candidates in the primary election were also successful against their opponents in the general election. After determining that no case decisions or statutes dictated a contrary result, the Fifth Circuit held that any question touching on the qualifications of the successful candidates to run in the election had been **mooted** for the failure of those contesting the election to challenge the results of the general election.

It would certainly seem that the logic of this decision should be determinative of the attempts of these plaintiffs to throw out the results of this election and to insist that a new election be held.

In this case these plaintiffs are **not** asserting a denial or an abridgement or an impairment of their right to vote; they are **not** alleging that their voting rights, voting strength, voting power, etc., are denied or abridged or impaired because

of race or color. They simply have not stated, and indeed cannot state, proper standing and/or lawful cause of action under the Voting Rights Act of 1965. They simply cannot claim that their rights were adversely affected because of race or color.

What the plaintiffs **are** alleging here is that they knowingly, willfully and intelligently qualified for the purpose of campaigning for posts on the Town Council in Sorrento, Louisiana; that they selected, after considering the relative strengths and weaknesses of the previously qualified opposition, a post for which to campaign; that they did actively undertake to campaign for the selected posts; that they lost their respective races, that they lost rather convincingly; and that because there was a technical flaw in the process (a flaw which was not intended to pertain to them at all) they should be permitted to compel the Town of Sorrento to void the election and to incur the expense of holding another election, **despite the fact that they cannot show that the election results would have been different in any way.**

CONCLUSION

Appellants submit that the order of the Three-Judge Court dated April 18, 1975 declaring the election of March 24, 1973 unlawful and requiring that a new election be held is clearly erroneous. If the decision of the Three-Judge Court is allowed to stand, the Town of Sorrento will be required to incur the expense of holding an additional election despite the fact that there has been, and can be, no showing that the election of March 24, 1973 was affected by any racial dis-

crimination or that there was a denial or abridgement or an impairment of any voters right to vote.

Respectfully submitted:

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Attorneys for Appellants

CERTIFICATE OF SERVICE

We hereby certify that we have this day, the 15th day of July, 1975 mailed three copies of this Brief to the Attorneys for all parties to the proceedings; namely, Ralph Tureau, Esq., 208 East Cornerview Street, Gonzales, Louisiana 70737 and to Vincent J. Sotile, Esq., P. O. Drawer 669, Donaldsonville, Louisiana 70346.

By: Roger M. Fritchie
ROGER M. FRITCHIE

APPENDICES

APPENDIX A

United States District Court
Middle District of Louisiana
CIVIL ACTION NUMBER 73-120

GLYNN REINE, EMILE AIME, GARY BABIN, AND MIKE LeBLANC

versus

TOWN OF SORRENTO MUNICIPAL DEMOCRATIC EXECUTIVE COMMITTEE, EMILE LAMBERT, CHAIRMAN— TOWN OF SORRENTO MUNICIPAL DEMOCRATIC EXECUTIVE COMMITTEE, R. E. CHAMPAGNE, MEMBER— TOWN OF SORRENTO MUNICIPAL DEMOCRATIC EXECUTIVE COMMITTEE, MORRIS GAUTREAU, MEMBER— TOWN OF SORRENTO MUNICIPAL DEMOCRATIC EXECUTIVE COMMITTEE, AND NEWLY ELECTED COUNCILMAN, ROLAND MELANCON, NEWLY ELECTED MEMBER OF TOWN OF SORRENTO MUNICIPAL DEMOCRATIC EXECUTIVE COMMITTEE, WADE O. MARTIN, SECRETARY OF STATE, STATE OF LOUISIANA THE TOWN COUNCIL OF THE TOWN OF SORRENTO, PERCY BOUDREAUX, A. J. KLING, J. B. MELANCON AND ROY MELANCON

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Before WISDOM, Circuit Judge and WEST AND RUBIN, District Judges.

PER CURIAM:

This matter comes before the Court on cross-motions for summary judgment. After hearing the arguments of counsel, studying their briefs, and reviewing the evidence in the record, the Court makes the following findings of fact:

1. Sorrento is a small town in Ascension Parish, which at the time of the events in dispute here had a voting population of 578. 470 of these voters were white; 108 were black.

2. The defendants, members of the town Municipal Democratic Executive Committee and the Committee itself, are the officials vested by law with the power to decide how elections for the Sorrento Town Council are to be conducted. The other defendants named are members of the Town Council who were elected March 24, 1973, the election which this suit contests.

3. The plaintiffs are unsuccessful candidates for these offices and voters in the town; all are white.

4. Since well before November 1, 1964, candidates for the Sorrento Town Council have run on an at-large basis. In 1972, however, the Louisiana legislature enacted a statute requiring that elections of this kind be held by division. Act 106 of 1972, LSA-RS 18:309E.

5. On February 19, 1973, the Attorney General of Louisiana submitted Act 106 to the Attorney General of the United States, for his review pursuant to 42 U.S.C. §1973c.

6. On February 18, 1975 the Attorney General of Louisiana issued a formal opinion, stating that the procedures authorized by Act 106 should not be used in the 63 municipal elections scheduled for March 24, 1973. He later suggested, by a February 19, 1973 telegram to each municipal executive committee, that candidate filings should be reopened to enable candidates to qualify for at-large elections.

7. On or near to February 22, 1973, two of the plaintiffs submitted a second set of qualifying papers, to be used in the event that the election was to be held for seats at-large and re-qualification was thus necessary. A third plaintiff may have done so.

8. On February 22, 1973, in response to an inquiry from the Louisiana Secretary of State, the Louisiana Attorney General stated that his opinion with respect to Act 106 was advisory only. On February 26, 1973, the chairman of the Sorrento Municipal Democratic Executive Committee wrote the Louisiana Secretary of State to advise him that Sorrento would not reopen qualifications for municipal offices.

9. The election for town councilmen was held in Sorrento on March 24, 1973, for seats by division under Act 106. The other 62 Louisiana municipalities holding elections that day used the procedures in effect before Act 106 was adopted.

10. Those plaintiffs who were candidates lost by a substantial margin.

11. On behalf of the Attorney General of the United States, the Assistant Attorney General for Civil Rights interposed an objection to Act 106, pursuant to 42 U.S.C. §1973c, on April 20, 1973.

CONCLUSIONS OF LAW

1. This Court has jurisdiction of this action pursuant to 28 U.S.C. §1343. *Allen v. State Board of Elections*, 1969, 89 S.Ct. 817.

2. The elections held by the Town of Sorrento on March 24, 1973, followed a new procedure for electing town councilmen before the procedure had received a favorable determination by the Attorney General of the United States or the District Court for the District of Columbia. These elections consequently were held in violation of §5 of the Voting Rights Act, 42 U.S.C. §1973c. *Allen v. State Board of Elections*, 1969, 89 S.Ct. 817; *United States v. Garner*, N.D. Ga. 1972, 349 F.Supp. 1054.

3. The plaintiffs, unsuccessful candidates and voters, are not estopped to contest the validity of this election by their participation in it. The confusion surrounding just how the election would be held, the possible damage to their candidacy that a pre-election challenge might have caused, and the importance of the rights the plaintiffs seek to vindicate suggest that this is not an appropriate case in which to apply any doctrine of estoppel. See *Toney v. White*, 5 Cir. 1973, 488 F.2d 310.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED:

1. That the March 24, 1973 municipal election for town councilmen in Sorrento was unlawful;

2. That the invalidity of the March, 1973 election shall not affect the validity of actions taken or to be taken in their official capacities by those town councilmen elected at that time;

3. That the defendants, their agents, employees and successors in office, and all persons acting in concert or participation with any of them, are permanently enjoined from:

(a) Implementing any voting practice or procedure different from those in effect in Sorrento on November 1, 1964, unless the provisions of §5 of the Voting Rights Act, 42 U.S.C. §1973c, have been first complied with; and

(b) Failing or refusing to conduct a new election for the town council seats within a reasonable period, not to exceed four months, pursuant to voting practices and procedures in effect on November 1, 1964, or such new practices and procedures as have been approved under §5 of the Voting Rights Act, 42 U.S.C. §1973c. For good cause shown, and on proper motion, this period may be extended for a further reasonable time.

4. That the Court will retain jurisdiction over this case until after the next elections to be held pursuant hereto, but in all other respects, this case can be, and it is now administratively CLOSED.

April 18, 1975.

s/ John Minor Wisdom
United States Circuit Judge

s/ E. Gordon West
United States District Judge

s/ Alvin B. Rubin
United States District Judge

APPENDIX B

THE UNITED STATES OF AMERICA
DISTRICT COURT OF THE UNITED STATES

MIDDLE DISTRICT OF LOUISIANA
CIVIL ACTION NO. 73-120

GLYNN REINE, EMILE AIME, GARY BABIN AND MIKE LeBLANC,

Plaintiffs

versus

TOWN OF SORRENTO MUNICIPAL DEMOCRATIC EXECUTIVE COMMITTEE, ET ALS,

Defendants

NOTICE OF APPEAL TO THE SUPREME COURT OF THE UNITED STATES

I.

PLEASE TAKE NOTICE that the defendants herein, PERCY BOUDREAUX, A. J. KLING, J. B. MELANCON, ROY MELANCON, EMILE LAMBERT, R. E. CHAMPAGNE, MORRIS GEAUTREAU, ROLAND MELANCON and THE TOWN OF SORRENTO MUNICIPAL DEMOCRATIC EXECUTIVE COMMITTEE, hereby appeal to the Supreme Court of the United States from the final decision of the District Court of Three Judges which declared invalid the March 24, 1973 municipal election for Town Councilmen in the Town of Sorrento, Louisiana; and, which further permanently enjoined the defendants from implementing any voting practice or procedure different from those in effect in the Town of Sorrento, Louisiana, on November 1, 1964 unless the provisions of Section 5 of the Voting Rights Act, 42 USC § 1973c, have been first complied with; and from failing or refusing to conduct a new election for Town Council seats within a reasonable period, not to exceed four months, pursuant to voting practices and procedures in effect on November 1, 1964, or such new practices and procedures as have been approved under Section 5 of the Voting Rights Act, 42 USC § 1973c, which said Judgment was entered in this action on April 18, 1975.

II.

This appeal is taken pursuant to 28 USC § 1253.

III.

The Clerk of Court will please prepare a transcript of the Record in this cause, for transmission to the Clerk of the Supreme Court of the United States, and include in said transcript the following:

(a) All pleadings, including plaintiffs' original complaint and defendants' responsive pleadings and all motions, including those for summary judgment;
(b) The original transcripts of all deposition testimony taken in connection with this matter; and
(c) Written opinion and decree of the District Court of Three Judges.

IV.

The following questions are presented by this Appeal:

(a) Whether the District Court of Three Judges erred in holding that the Jurisdiction was conferred upon it pursuant to 28 USC §1343;
(b) Whether the District Court of Three Judges erred in holding, as it did, that the plaintiffs were not estopped from contesting the validity of the March 24, 1973 municipal election;
(c) Whether the District Court of Three Judges erred in holding, as it did, that the plaintiffs herein have established a cause and/or a right of action pursuant to the Voting Rights Act of 1964, 42 USC § 1973c; and

(d) Such other questions as are inherent in the facts of the matter and the nature of the case.

By Attorneys:

DURRETT, HARDIN, HUNTER,
DAMERON & FRITCHIE

By: _____

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PROOF OF SERVICE

I, ROGER M. FRITCHIE, one of the attorneys for the defendants, PERCY BOUDREAUX, A. J. KLING, J. B. MELANCON, ROY MELANCON, EMILE LAMBERT, R. E. CHAMPAGNE, MORRIS GEAUTREAU, ROLAND MELANCON and THE TOWN OF SORRENTO MUNICIPAL DEMOCRATIC EXECUTIVE COMMITTEE, Appellants herein, and a member of the Bar of the Supreme Court of the United States, hereby certify that, on the 16th day of May, 1975, I served copies of the foregoing Notice of Appeal to the Supreme Court of the United States on the several parties hereto, as follows:

I.

On Glynn Reine, Emile Aime, Gary Babin and Mike LeBlanc, plaintiffs, by mailing copies in duly addressed envelopes, with first class postage prepaid, to their attorney of record, as follows:

Mr. Ralph Tureau
Tureau and Landry
Attorney at Law
208 East Cornerview Street
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